

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHARLES RAY CATHY,
Plaintiff,

v.

R. KUZMICZ, et al.,
Defendants.

Case No. [19-cv-05932-PJH](#)

ORDER

Re: Dkt. Nos. 18, 21

Plaintiff, a state prisoner, proceeds with a pro se civil rights complaint under 42 U.S.C. § 1983. The court ordered service and defendants filed a waiver of reply on March 17, 2020. On April 27, 2020, plaintiff requested a 90 extension or a stay of the proceedings. Plaintiff noted that he needed additional time to reply to defendants' discovery requests which was complicated by the current public health crisis. Other than discovery requests, there are no pending motions requiring plaintiff's attention. Defendants requested an extension and a dispositive motion is now due on July 3, 2020. Defendants have also indicated that plaintiff may have an extension to respond to the discovery requests. Docket No. 19 at 3. Plaintiff's motion for a stay is denied; however, if plaintiff needs an extension to file an opposition to a dispositive motion once it has been filed, the court will grant any reasonable request.

Plaintiff has also filed a motion seeking the court to order his current prison to grant him preferred legal status. An injunction is binding only on parties to the action, their officers, agents, servants, employees and attorneys and those "in active concert or participation" with them. Fed. R. Civ. P. 65(d). In order to enforce an injunction against an entity, the district court must have personal jurisdiction over that entity. *In re Estate of*

1 *Ferdinand Marcos*, 94 F.3d 539, 545 (9th Cir. 1996). The court should not issue an
2 injunction that it cannot enforce. *Id.* The defendants in this case are employed at Pelican
3 Bay State Prison, but plaintiff is now incarcerated at Calipatria State Prison. No
4 individual who can provide plaintiff preferred legal status at his current prison is a party in
5 this action. The motion is denied. Once defendants file a dispositive motion plaintiff may
6 show the motion to prison officials or request the court to issue an order only stating that
7 plaintiff has an impending deadline in this case. Plaintiff may also show the discovery
8 requests to prison officials if he needs additional time in the law library. Plaintiff's motions
9 (Docket Nos. 18, 21) are **DENIED**.

10 **IT IS SO ORDERED.**

11 Dated: May 27, 2020

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13 /s/ Phyllis J. Hamilton

14 PHYLLIS J. HAMILTON
15 United States District Judge
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